

REMARKS

Claims 1, 3-6 and 8-11 are pending in this application. By this Amendment, claims 1 and 3 are amended and claim 11 is added. Support for the amendments to claim 1 can be found at least in Figs. 1 and 2 and the corresponding disclosure in the specification. Claim 3 is amended to remove previously recited features. Support for new claim 11 can be found at least in Fig. 1 and the corresponding disclosure in the specification. No new matter is added.

Claims 1, 3-6 and 8-10 are rejected under 35 U.S.C. §103(a) over Nishijima (U.S. Patent No. 4,681,423) in view of Suehiro (U.S. Patent Application Publication No. 2003/0174355) and further in view of Kuwabara (U.S. Patent No. 6,529,696). The rejection is respectfully traversed.

Nishijima, Suehiro and Kuwabara, alone or in a permissible combination, do not teach and would not have rendered obvious "wherein in the second operation mode, in response to the instruction unit receiving the transmission instruction, the read unit reads the image of the set original and the transmission unit transmits data read through the read unit to an external system without the fixing controlling unit raising the temperature of the fixing unit," as recited in independent claim 1 (emphasis added).

The Office Action acknowledges that Nishijima does not teach the second control processing of independent claim 1 (see Office Action, page 2).

The Office Action asserts that Suehiro teaches the second control processing of previously recited independent claim 1 (see Office Action, page 2). However, Suehiro merely relates to a imaging apparatus that starts a facsimile transmission operation after returning to a "normal mode," where in the normal mode, the temperature of the fixing device is raised (see paragraphs [0068]-[0070] of Suehiro). However, independent claim 1 recites "the read unit reads the image of the set original and the transmission unit transmits data read through the read unit to an external system without the fixing controlling unit raising the temperature

of the fixing unit" (emphasis added). Therefore, Suehiro does not teach the features of independent claim 1.

Kuwabara does not remedy the above-described deficiencies of Nishijima and Suehiro. Kuwabara is applied by the Office Action only for its alleged disclosure of determining the operating mode based on the history of usage (see Office Action, page 2).

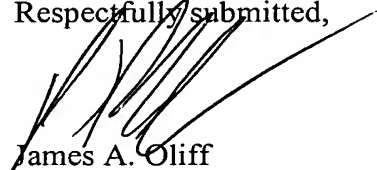
Therefore, for at least these reasons, independent claim 1 is patentable over the above-applied references. Claims 3-6 and 8-10, which depend from independent claim 1, are also patentable for at least their dependency on independent claim 1, as well as for the additional features they recite. Applicants thus respectfully request withdrawal of the rejection.

Further, independent claim 11 is also patentable over the above-applied references.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,


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